



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,890	03/16/2006	Carsten Gitt	GITT-1 (PCT)	9522
25889	7590	11/15/2007	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			LE, DAVID D	
			ART UNIT	PAPER NUMBER
			3681	
			MAIL DATE	DELIVERY MODE
			11/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/566,890

Applicant(s)

GITT, CARSTEN

Examiner

David D. Le

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/01/06, 02/09/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/566,890, filed 16 March 2006. Claims 1-13 are pending.

#### **Documents**

2. The following documents have been received and filed as part of the patent application:
  - Information Disclosure Statement, received on 02/01/06
  - A Copy of the Foreign Priority Document, received on 02/01/06
  - Declaration and Power of Attorney, received on 03/16/06
  - Information Disclosure Statement, received on 02/09/07

#### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - The arrangement of the instant specification is not in accordance with the PCT Administrative Instruction Section 204. See MPEP 1823.

Appropriate correction is required.

#### ***Claim Objections***

4. Claims 1, 8 and 10 are objected to because of the following informalities:
  - Claim 1, lines 9-10, "and otherwise" should be deleted.
  - Claim 1, line 19, "there lying" should be --positioned--.
  - Claim 8, line 4, "lie" should be --dispose--.

Art Unit: 3681

- Claim 10, line 3, “lies” should be --positions--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for embodiments as shown in Figs. 1, 3 and 5, does not reasonably provide enablement for the claimed invention as recited in the present claim 1. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Claims 1, lines 11-14 recite “all the even-numbered forward gears are assigned solely to one countershaft, and all the odd-numbered forward gears are assigned solely to the other countershaft”. This claimed limitation is inaccurate for the reasons as follows:

- As disclosed in Fig. 1, the even-numbered forward gear G6 is assigned to the output shaft 12.
- As disclosed in Fig. 3, the even-numbered forward gear G6 is assigned to the output shaft 12.
- As disclosed in Fig. 5, the odd-numbered forward gear G5 is assigned to the output shaft 12.

Accordingly, as mentioned above, all the even-numbered forward gears and all the odd-numbered forward gears are *not assigned solely* to the corresponding *countershaft*.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-7 and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2:

- Lines 14-15 recite the limitation “a direct gear”. It is unclear whether this newly recited “a direct gear” is different from the one, which is first recited on line 9 of the independent claim 1.

Claim 4:

- Line 4 recites the limitation “the reversing mode”. There is insufficient antecedent basis for this limitation in the claim.

Claim 5:

- Lines 3-4 recite the limitation “the reversing mode”. There is insufficient antecedent basis for this limitation in the claim.

Claim 6:

- Lines 3-4 recite the limitation “the reversing mode”. There is insufficient antecedent basis for this limitation in the claim.

Claim 7:

- Line 3 recites the limitation “the number s”. There is insufficient antecedent basis for this limitation in the claim.

Claim 11:

- Line 3 recites the limitation “the first forward gear”. There is insufficient antecedent basis for this limitation in the claim.
- Line 7 recites the limitation “the input-side clutches”. There is insufficient antecedent basis for this limitation in the claim.

Claim 12:

- Line 4 recites the limitation “the first reverse gear”. There is insufficient antecedent basis for this limitation in the claim.

Claim 13:

- Line 3 recites the limitation “a shift sleeve”. It is unclear whether this newly recited “a shift sleeve” is different from those mentioned in the independent claim 1.

Art Unit: 3681

- Line 4 recites the limitation “a countershaft”. It is unclear whether this newly recited “a countershaft” is different from the two countershafts mentioned in the independent claim 1.
- Line 4 recites the limitation “a shift sleeve”. It is unclear whether this newly recited “a shift sleeve” is different from those mentioned in the independent claim 1.
- Line 5 recites the limitation “the main shaft”. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1-13, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 2,612,787 to H. T. Youngren et al. (hereinafter referred to as Youngren).**

**Claims 1-13:**

Youngren (Figs. 1-2; column 3, line 45 – column 7, line 56) discloses a double countershaft transmission comprising:

Art Unit: 3681

- A first friction clutch (i.e., Fig. 2, element 10);
- A second friction clutch (i.e., Fig. 2, element 11);
- A transmission input shaft (i.e., Fig. 2, element 13);
- A transmission output shaft (i.e., Fig. 2, element 16);
- A first intermediate shaft (i.e., Fig. 2, element 14);
- A second hollow intermediate shaft (i.e., Fig. 2, element 15);
- A first countershaft (i.e., Fig. 2, element 18);
- A second countershaft (i.e., Fig. 2, element 40);
- Wherein the transmission input shaft (13) and the transmission output shaft (16) are arranged coaxially with respect to one another (i.e., Fig. 2);
- Wherein the first and second countershafts (18 and 40) are arranged parallel to one another, to the transmission input shaft (13) and to the transmission output shaft (16);
- A first shift sleeve (i.e., Fig. 2, element 25) disposed on the first countershaft (18);
- A second shift sleeve (i.e., Fig. 2, element 50) disposed on the second countershaft (41);
- A third shift sleeve (i.e., Fig. 2, element 58) disposed on the output shaft (16);
- A fourth shift sleeve (i.e., Fig. 2, element 62) disposed on the output shaft (16);
- Wherein all odd-numbered forward gears are assigned to the first countershaft (18);
- Wherein at least one even-numbered forward gear is assigned to the second countershaft (40);



- An engine (i.e., column 3, line 56);
- A first direct gear (i.e., Fig. 2, element 66);
- A second direct gear (i.e., Fig. 2, element 22); and
- Wherein the countershafts (18 and 40) and the input shaft (13) are arranged in triangular form (i.e. Fig. 1).

11. Claims 1-13, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 7,140,267 to Haka (hereinafter referred to as Haka).

Note:

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 1-13:

Haka (Figs. 1-3; column 4, line 4 - column 9, line 36) discloses a dual clutch transmission comprising:

- A first friction clutch (i.e., Fig. 1, element 38);
- A second friction clutch (i.e., Fig. 1, element 36);
- A transmission input shaft (i.e., Fig. 1, element 12);
- A transmission output shaft (i.e., Fig. 1, element 14);

Art Unit: 3681

- A first intermediate shaft (i.e., Fig. 1, being the shaft that supports gear element 48);
- A second hollow intermediate shaft (i.e., Fig. 1, being the shaft that supports gear element 28);
- A first countershaft (i.e., Fig. 1, element 18);
- A second countershaft (i.e., Fig. 1, element 24);
- Wherein the transmission input shaft (12) and the transmission output shaft (14) are arranged coaxially with respect to one another (i.e., Fig. 1);
- Wherein the first and second countershafts (18 and 24) are arranged parallel to one another, to the transmission input shaft (12) and to the transmission output shaft (14);
- A first shift sleeve (i.e., Fig. 1, element 92 or 96) disposed on the first countershaft (18);
- A second shift sleeve (i.e., Fig. 1, element 84 or 86) disposed on the second countershaft (24);
- A third shift sleeve (i.e., Fig. 1, element 88) disposed on the output shaft (14);
- A fourth shift sleeve (i.e., Fig. 1, element 90) disposed on the output shaft (14);
- Wherein all odd-numbered forward gears are assigned to the first countershaft (18);
- Wherein all even-numbered forward gears are assigned to the second countershaft (24);
- An engine (i.e., Fig. 1, element 15);

Art Unit: 3681

- A first direct gear (i.e., Fig. 1, element 48);
- A second direct gear (i.e., Fig. 1, element 28); and
- Wherein the countershafts (18 and 24) and the input shaft (12) appears to be disposed at least approximately in one plane.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

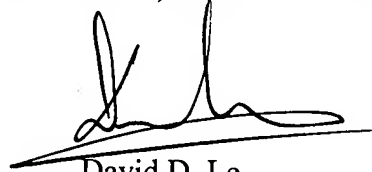
- GB 2103316 teaches a dual clutch transmission, as shown in Fig.1.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'David D. Le', with a horizontal line drawn underneath it.

David D. Le  
Primary Examiner  
Art Unit 3681  
11/11/2007

ddl